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AT&T Mobility LLC

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

In Re Apple & AT&TM
Antitrust Litigation.

Case No. C 07-5152 JW

STIPULATION AND [PROPOSED] ORDER RE: EXPERT DISCOVERY

1 The parties hereby STIPULATE AND AGREE to the following:

2 1. Within 3 business days of any party serving any expert reports and/or expert
3 declarations in this case pursuant to Fed. R. Civ. P. 26(a)(2)(B), the party or parties proffering
4 the expert witness shall produce all other documents and/or information required by Rule
5 26(a)(2)(B), namely "the data or other information considered by the witness in forming the
6 [expert's] opinions; any exhibits to be used as a summary of or support for the opinions; the
7 qualifications of the witness, including a list of all publications authored by the witness within
8 the preceding ten years; the compensation to be paid for the study and testimony; and a listing of
9 any other cases in which the witness has testified as an expert at trial or by deposition within the
10 preceding four years." "(D)ata or other information considered" shall include, but is not limited
11 to, raw data, spreadsheets, computerized regression analyses and/or other underlying reports and
12 schedules sufficient to reconstruct the expert's work, calculations, and/or analyses. Information
13 can be produced electronically (via email or disc) where appropriate. Where documents have
14 previously been produced as part of the discovery in this case, a list of such documents by Bates
15 number is sufficient. As to other documents considered by the expert, those documents should
16 be produced except where widely available publicly without undue expense (such as on the
17 internet, or in major university libraries).

18 2. The following types of information shall not be the subject of discovery: (1) the
19 communications and/or content of communications among and between: (a) counsel and experts;
20 (b) experts and other experts or consultants; and/or (c) experts and their respective staffs, and (2)
21 notes, drafts, written communications or other types of preliminary work created by, or for,
22 experts. The foregoing exclusions from discovery will not apply to any specific communications
23 or documents upon which the experts expressly rely as a basis for their final opinions/reports.

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1 3. This stipulation shall be effective only upon agreement by counsel for all
2 Defendants and Interim Lead Counsel for Plaintiffs in the above captioned action.

3
4 DATED: April 8, 2009

CROWELL & MORING LLP
JASON C. MURRAY

5
6 */S/ Jason C. Murray*

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1 DATED: April 8, 2009

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28 Plaintiffs' Interim Lead Counsel

[PROPOSED] ORDER

Based upon the stipulation of the parties, and for good cause shown, the foregoing
Stipulation and Order is hereby SO ORDERED:

Dated: _____, 2009

Hon. James Ware
United States District Judge

SIGNATURE ATTESTATION

Pursuant to General Order No. 45(X)(B), I hereby attest that I have obtained the concurrence in the filing of this document from all signatories for whom a signature is indicated by a "conformed" signature (/s/) within this e-filed document and I have on file records to support this concurrence for subsequent production for the Court if so ordered or for inspection upon request.

DATED: April 8, 2009

CROWELL & MORING LLP
JASON C. MURRAY

/S/ Jason C. Murray

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Counsel for Defendant AT&T Mobility, LLC

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in Washington, District of Columbia. My business address is 800 Wilshire Boulevard, Suite 500, Los Angeles, California 90017.

On **April 8, 2009**, I served true copies of the following document(s) described as
STIPULATION AND [PROPOSED] ORDER RE: EXPERT DISCOVERY
on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY MAIL: I caused said documents to be enclosed in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Crowell & Moring LLP's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service, in a sealed envelope with postage fully prepaid.

BY CM/ECF NOTICE OF ELECTRONIC FILING: I caused said document(s) to be served by means of this Court's electronic transmission of the Notice of Electronic Filing through the Court's transmission facilities, to the parties and/or counsel who are registered CM/ECF Users set forth in the service list obtained from this Court.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on **April 8, 2009**, at Los Angeles, California.

/s/ Lucy DelValle

Lucy DelValle

SERVICE LIST
IN RE APPLE & AT&TM ANTITRUST LITIGATION
Case No. C 07-5152 JW

BY CM/ECF NOTICE OF ELECTRONIC FILING

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